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**From:** Krueger, Thomas [krueger.thomas@epa.gov]  
**Sent:** 8/29/2017 6:41:10 PM  
**To:** Higginbotham, Paul [PHIGGINB@idem.IN.gov]; Beth Admire [badmire@idem.IN.gov]; Alberts, Sierra [SAlberts@idem.IN.gov]; Mendez, Thomas [mendez.thomas@epa.gov]; Cullen, Raymond [cullen.raymond@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]  
**CC:** McClure, Linda (IDEM) [lmcclure@idem.IN.gov]  
**Subject:** Re: Agreed Order

Thanks, Paul. A few quick thoughts, for what they are worth. Other reviewers may have more.

1) I see you added in a number of IDEM inspections/observations in response to EPA's comment. You also deleted references to additional EPA observations. You are welcome to keep those in if you wish -- to help reinforce that the releases are consistent and ongoing -- we didn't mean to suggest they had to come out.

2) In Order paragraph 1, I think the original EPA inspection was January 12.

3) While I generally like how you simplified Order paragraph 4 in line with EPA's comments, I think it may still be useful to retain some of the language describing the objectives of the compliance schedule -- specifically, achieving compliance with the permit and preventing future occurrences of oil entering the Ship Canal and Lake Michigan, identifying the cause of oily discharges from the outfalls, and promptly taking the actions required to abate those discharges.

4) Beth had suggested adding language providing that IDEM and EPA shall have access to monitor discharges and compliance with the Order, the permit, and other applicable laws. I still think that's a good idea.

5) While I understand the approach of wanting to get something into Arcelor's hands ASAP to start discussions, if Exhibit 1 for starting those discussions is just going to be what Arcelor provided, I think it makes sense to highlight that we're not necessarily ok with the schedule and plan elements. If you wish to provide EPA's comments/questions/concerns about the submittal you are welcome to add them to IDEM's list of issues. I think it makes sense to give advance notice on some of the main things that need further discussion.

6) I don't believe I've seen the "plan" for outfalls 9 and 10 before. I didn't see much there about ongoing monitoring to assure that further releases are detected and addressed, although I may have missed it. Likewise there doesn't seem to be much effort to confirm the long-term effectiveness of the measures taken to date.

Thanks for the opportunity to review and comment.

Tom Krueger

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**From:** Higginbotham, Paul <PHIGGINB@idem.IN.gov>  
**Sent:** Tuesday, August 29, 2017 11:12:51 AM  
**To:** Krueger, Thomas; Beth Admire; Alberts, Sierra; Mendez, Thomas; Cullen, Raymond; Bahr, Ryan  
**Cc:** McClure, Linda (IDEM)  
**Subject:** RE: Agreed Order

EPA Folks --

The attached is the revised PAO and an Exhibit 1 for AM. You will notice that the PAO only specifically talks about outfall 001, but 009/010 work are included in Exhibit 1. My intent was to send this DRAFT to AM so they can get something in front of them to look at, with the understanding that we will need further discussions to finalize the AO and Exhibit 1.

Thanks.

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**From:** Krueger, Thomas [mailto:krueger.thomas@epa.gov]  
**Sent:** Friday, August 25, 2017 4:17 PM  
**To:** Higginbotham, Paul <PHIGGINB@idem.IN.gov>; ADMIRE, BETH <BADMIRE@idem.IN.gov>; Alberts, Sierra <SAlberts@idem.IN.gov>; Mendez, Thomas <mendez.thomas@epa.gov>; Cullen, Raymond <cullen.raymond@epa.gov>; Bahr, Ryan <bahr.ryan@epa.gov>  
**Subject:** Re: Agreed Order

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Would appreciate at least the courtesy of knowing what, if anything, IDEM has done to the draft in response to EPA's comments 7/31 and 8/23, and the opportunity to answer any questions or concerns IDEM may have about those comments, before a draft goes out to Arcelor. I don't believe EPA has been slowing down the process.

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**From:** Higginbotham, Paul <PHIGGINB@idem.IN.gov>  
**Sent:** Friday, August 25, 2017 3:05:14 PM  
**To:** Krueger, Thomas; Beth Admire; Alberts, Sierra  
**Subject:** Agreed Order

In an effort to speed up this process, I propose send AM the proposed AO stamped Draft next week so they get something in front of them to start looking at with the understanding that a few things still need to be worked out. If not, the process will continue to drag out.